

SCR CHAPTER 61

RULES GOVERNING ELECTRONIC MEDIA AND STILL PHOTOGRAPHY COVERAGE OF JUDICIAL PROCEEDINGS

JUDICIAL COUNCIL COMMITTEE'S NOTE, 1979: The following rules, called rules governing electronic media and still photography coverage of judicial proceedings, were adopted by the supreme court on June 21, 1979, effective July 1, 1979. The rules were originally numbered 1 to 12 and have been clarified and numbered SCR 61.01 to 61.12 for uniformity and convenience.

SCR 61.01 Authority of trial judge.

(1) These rules of conduct in this chapter do not limit or restrict the power, authority or responsibility otherwise vested in the trial judge to control the conduct of proceedings before the judge. The authority of the trial judge over the inclusion or exclusion of the press or the public at particular proceedings or during the testimony of particular witnesses is applicable to any person engaging in any activity authorized by this chapter.

(2) In this chapter, "trial judge" includes any judicial officer who conducts a public proceeding.

SCR 61.02 Media coordinator.

(1) The Wisconsin freedom of information council shall designate for each judicial administrative district a coordinator who shall work with the chief judge of the judicial administrative district and the trial judge in a court proceeding in implementing this chapter. Geographically large judicial administrative districts shall be subdivided by agreement between the council and the chief judge, with a coordinator designated for each subdistrict.

(2) If possible, the trial judge shall be given notice, at least 3 days in advance, of the intention of the media to bring cameras or recording equipment into the courtroom. In the discretion of the trial judge, this notice rule may be waived if cause for the waiver is demonstrated.

SCR 61.03 Equipment and personnel.

(1) Except as otherwise provided in sub. (2), 3 television cameras, each operated by one person, and 3 still photographers, each using not more than 2 cameras, are authorized in any court proceeding. Priority consideration shall be extended to one of the 3 cameras to televise an entire proceeding from beginning to end.

(2) The trial judge may authorize additional cameras or persons at the request of the media coordinator or may limit the number of cameras if

circumstances permit the increase or require the limitation. (3) One audio system for radio broadcast purposes is authorized in any court proceeding. Audio pickup for all media purposes shall be made through any existing audio system in the court facility, if practical. If no suitable audio system exists in the court facility, microphones and related wiring shall be as unobtrusive as possible.

(4) The media coordinator shall be responsible for receiving requests to engage in the activities authorized by this chapter in a particular court proceeding and shall make the necessary allocations of authorizations among those filing the requests. In the absence of advance media agreement on disputed equipment or personnel issues, the trial judge shall exclude all audio or visual equipment from the proceeding.

SCR 61.04 Sound and light criteria.

Only audio or visual equipment which does not produce distracting light or sound may be used to cover a court proceeding. Artificial lighting devices shall not be used in connection with any audio or visual equipment. Only equipment approved by the trial judge in advance of the court proceeding may be used during the proceeding.

SCR 61.05 Location of equipment and personnel.

(1) The trial judge shall designate the location in the courtroom for the camera equipment and operators. The trial judge shall restrict camera equipment and operators to areas open to the public, but the camera equipment and operators shall not block the view of persons seated in the public area of the courtroom.

(2) Camera operators shall occupy only the area authorized by the trial judge and shall not move about the courtroom for picture taking purposes during the court proceeding. Equipment authorized by these rules shall not be moved during the proceeding.

SCR 61.06 Courtroom light sources.

Modifications in the lighting of a court facility may be made only with the approval of the trial judge. Approval of other authorities may also be required.

SCR 61.07 Conferences.

Audio pickup, broadcast or recording of a conference in a court facility between an attorney and client, co-counsel, or attorneys and the trial judge held at the bench is not permitted.

SCR 61.08 Recesses.

Audio or visual equipment authorized by this chapter shall not be operated during a recess in a court proceeding.

SCR 61.09 Official court record.

Notwithstanding any film, videotape, photography or audio reproduction made in a court proceeding as a result of this chapter, the official court record of the proceeding is the transcript of the original notes

of the court reporter made in open court or pursuant to an order of the court.

SCR 61.10 Resolution of disputes.

A dispute as to the application of this chapter in a court proceeding may be referred only to the chief judge of the administrative district for resolution as an administrative matter. An appellate court shall not exercise its appellate or supervisory jurisdiction to review at the request of any person or organization seeking to exercise a privilege conferred by this chapter any order or ruling of a trial judge or chief judge under this chapter.

SCR 61.11 Prohibition of photographing at request of participant.

(1) A trial judge may for cause prohibit the audio recording and the photographing of a participant with a film, videotape or still camera on the judge's own motion or on the request of a participant in a court proceeding. In cases involving the victims of crimes, including sex crimes, police informants, undercover agents, relocated witnesses and juveniles, and in evidentiary suppression hearings, divorce proceedings and cases involving trade secrets, a presumption of validity attends the requests; the trial judge shall exercise a broad discretion in deciding whether there is cause for prohibition. This list of requests which enjoy the presumption is not exclusive; the judge may in his or her discretion find cause in comparable situations.

(2) Individual jurors shall not be photographed, except in instances in which a juror or jurors consent. In courtrooms where photography is impossible without including the jury as part of the unavoidable background, the photography is permitted, but close-ups which clearly identify individual jurors are prohibited. Trial judges shall enforce this subsection for the purpose of providing maximum protection for jury anonymity.

SCR 61.12 Inapplicability to individuals; use of material for advertising prohibited.

The privileges granted by this chapter to photograph, televise and record court proceedings may be exercised only by persons or organizations which are part of the news media. Film, videotape, photography and audio reproductions shall not be used for unrelated advertising purposes.